IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 26.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.578 of 2004
and
WAMP.No.1020 of 2004

M/s Ramco Super Leathers Ltd.,
Leather Garment Division,
No.92, Numbal Village,
Pulliyambedu,
Chennai-600 096. .. Appellant(Petitioner)

Vs.

1.The Regional Provident Fund
Commissioner, (Tamil Nadu and
Pondicherry), 37, Royapettah High Road,
Chennai-600 014.

2.The Recovery Officer,
Office of the Recovery Officer,
EPF Organisation,
No.20, Royapettah High Road,
Chennai-600 014. .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order of this Court dated 05.12.2003 made in WPMP.No.35918 of 2003 in W.P.No.23413 of 2003:-

WPMP.No.35918 of 2003 in W.P.No.23413 of 2003:- Petition presented to this Court pleased to direct the respondent to receive the balace sum of Rs.2,00,000/- in order to comply with the order dated 22.8.2003 passed in WPMP.No.28294 of 2003 in WP.No.23413/2003.

For Appellant : Mr.Govi Ganesan

For Respondents : Mr.K. Gunasekaran, ACGSC

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 05.12.2003 made in WPMP.No.35918 of 2003 W.P.No.23413 of 2003.

2. The appellant-writ petitioner, aggrieved by the order of the Regional Provident Fund Commissioner, Tamil Nadu and Pondicherry State, Chennai-600 014, dated 12.05.2003, has filed W.P. No.23413 of 2003. They also filed WPMP No.28294 of 2003 praying for stay of the said impugned proceedings. By an order dated 22.08.2003, the learned single Judge granted interim stay on condition the petitioner paying a sum of Rs.7,00,000/- within four weeks, failing which, the interim order shall stand automatically vacated. Thereafter, the petitioner filed WPMP No.35918 of 2003 seeking modification of the earlier order dated 22.08.2003. The learned single Judge directed the Regional Provident Fund Commissioner to receive the balance sum of Rs.2,00,000/- in compliance of the order dated 22.08.2003. In the affidavit filed in support of the abovesaid application, it is stated that before filing the writ petition, the petitioner totally paid a sum of Rs.5 lakhs on 19.06.2003, 14.08.2003, 19.08.2003 and 20.08.2003. It is further stated that in order to comply with the said order, the petitioner has to pay a further sum of Rs.2,00,000/-. However, the respondents are of the view that as per the order of this Court dated 22.08.2003, the petitioner has to pay a sum of Rs.7,00,000/- apart from the payment of Rs.5,00,000/- already paid.

3. The learned single Judge, by an order dated 05.12.2003, after finding that the petitioner is liable to pay more than Rs.13 lakhs and noting that he had not complied with the direction issued on 22.08.2003, has dismissed the WPMP No.35918 of 2003, hence the above appeal.

4. Taking note of the fact that the writ petition is of the year 2003, we are not inclined to impose further condition. The petitioner/appellant is granted two weeks time from today (26.03.2007) to pay a sum of Rs.2,00,000/- to the credit of the impugned proceedings, failing which, the respondents are free to proceed further.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

5. The writ appeal is disposed of with the above direction. No costs. Consequently, WAMP No.1020 of 2004 is closed.

6. Office is directed to post the writ petition itself for final hearing on 11.06.2007 before the appropriate Court.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Regional Provident Fund
Commissioner, (Tamil Nadu and
Pondicherry), 37, Royapettah High Road,
Chennai-600 014.

2.The Recovery Officer,
Office of the Recovery Officer,
EPF Organisation,
No.20, Royapettah High Road,
Chennai-600 014.

3. The Section Officer,
Writ Section, High Court,
Madras.

(Post writ petition for final hearing on 11.06.2007

+ 1 cc to M/s. K. Goviganesan , Advocate, SR No.18315

+ 1 cc to Mr. K. Gunasekar, Advocate, SR No.18817

W.A.No.578 of 2004

PV(CO)
SR/28.3.2007

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/